

ZONING COMMITTEE MEETING
WED., SEPTEMBER 30, 2009 @ 6:30 PM

Item #1

Application for a Zone Change from Res B to Res C for 12 acres of land. Purpose: Construct ranch style condominium. Location: Off End St. (aka. Assessor Map 228, Parcel 5 – Hearthstone Ter.) Applicant: Yves Demers, 8855 104th Ave., Vero Beach, FL 32967.

Item #2

Application for a Special Permit under section 275-22. Purpose renew special permit and modify original plan. Location: 652 Chicopee Street. Applicant: Deborah Missildine, 67 Catherine St., Chicopee, MA 01013.

Item #3

Minutes



CHICOPEE CITY COUNCIL
ZONING COMMITTEE

APPROVED 10/27/09

ZONING COMMITTEE MEMBERS

Jean Croteau, Chairman
Dino A. Brunetti, Vice-Chairman
James Tillotson
George Moreau
John Vieau
Fred Krampits
Donald Demers

MINUTES
September 30, 2009

The following are the minutes of a public hearing held Wednesday, September 30, 2009 at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

Members Present Croteau, Brunetti, Krampits, Tillotson, Vieau, Moreau, Demers

Also Present Dan Garvey (City Solicitor), Kate Brown (Planning Director), Councilor Robert J. Zygarowski, Councilor Swider, Councilor Brooks, Virginia Robak (Assessor)

The meeting was called to order at 6:30 PM

ITEM #1

Application for a Zone Change from Res B to Res C for 12 acres of property located at End Street for the purpose of building ranch condo in the same style of Mr. Ray Authier new development on Fuller Rd.

Applicant Yves Demers, 8855 104th Avenue, Vero Beach, FL

Applicant was not present. Motion made to table. Motion passed.

ITEM #2

Application for a Special Permit under section 275-22 for the purpose of renewing special permit and modifying original plan at 652 Chicopee Street.

Applicant Deborah Missildine, 67 Catherine Street, Chicopee, MA 01013

Andre Marcoux, 67 Catherine Street, was present representing the applicant.

Mr. Marcoux stated that the applicant is proposing a 3 family dwelling in which the apartments will be townhouse style vs. triple decker. Each apartment will have it's own front door. The rear of the property will have parking availability. The applicant is proposing to building the house at a diagonal.

The following reports were read:

Planning

Subject property is located on Chicopee Street. The zoning is Business A but historically it has been in residential use. Chicopee was "strip zoned" Business A in 1940 it - at intervals along the street, usually coinciding with major intersections, there are long strips of Business A zoning 100 feet deep on either side of the road. Last year the Council granted a special permit to this property to allow a legally nonconforming 6 family dwelling that was destroyed by fire to be replaced with a maximum of 4 units. The plan approved was based on the footprint of the former building. The property was subsequently sold. The new owner would like to build three units but the footprint spills out of the approved building envelope and the permit is about to expire. Consequently she is applying for both renewal and amendment of her permit.

Continuing the residential use of the property is probably the only viable option for this location given the vacancy rate of business locations at the 'Y' and elsewhere on Chicopee Street. Just a few observations:

1. The layout of the units is very different than the typical Willimansett multifamily. So we need to decide if this is an improvement or if the lot will just look odd and crowded. The presentation from the street is a building set at a 45 degree angle where all the other buildings are perpendicular to the street with units up and down rather than side by side.
2. The 9' driveway on the south side of the lot may be too narrow for the Fire Department.
3. Engineering may have a concern about cars backing into Chicopee Street at that location.

Fire Department

The Fire Department has concerns in the following areas:

1. The plan shows a 9 foot wide driveway which is not adequate width for emergency vehicles to access the front of the 2 rear units.
2. The building(s) must be fully protected by an automatic Fire sprinkler system.

Heath Department

No concerns at this time

Engineering Department

Approval, applicant is not guaranteed a building permit by this approval. A building check list must be submitted and approved before we can issue a street number for any possible building on this site.

Motion made to table for applicant to address concerns of various departments. Motion passed.

Motion made by Councilor Moreau to remove #1 off the table. Motion passed.

ITEM #1

Application for a Zone Change from Res B to Res C for 12 acres of property located at End Street for the purpose of building ranch condo in the same style of Mr. Ray Authier new development on Fuller Rd.

Applicant Yves Demers, 8855 104th Avenue, Vero Beach, FL

Erik Kaiser, 15 Mechanic Street, Monson, MA was present at the meeting.

Mr. Kaiser informed the committee that his engineers have said that 12 duplexes can fit on this property. The request is to change the zoning to Res C which would allow the development of 30-35 condo units on the riverfront.

Councilor Tillotson stated that Res C allows apartments also. There is no guarantee that once this zone change is granted that condos will be built.

Councilor Croteau questioned access to the property. Mr. Kaiser stated that he is working with Western Mass Electric Company (WMECO) to purchase 10,000 square feet which would provide the access necessary.

Councilor Moreau questioned how much of the property is wetland. Mr. Kaiser stated that it has not been delineated yet.

The following report was read from Planning:

"It is the opinion of the Planning Board that Res C zoning is not appropriate for this area. It would increase the potential unit density from 8 to 18 units per acre. Access to the parcel is through an exclusively single-family neighborhood. There is no other multifamily zoning in the area. However, if the Council finds some merit in this proposal, the Board recommends eliminating the Bray Street/Hearthstone Terrace segment east of the brook from the approval. Any new zoning line should be confined to the area west of Hearthstone Brook. The petitioner would be advised to flag the wetlands, riverfront (if applicable) and have a soils scientist conduct soil tests before he invests in any plans for the site. We have stricter regulations than were in effect in 1990. We anticipate that development of this site will be limited by streams, wetlands, and terrace escarpment soils."

The Planning Board voted 5 - 0 to deny the zone change request at its September 3, 2009 meeting.

Councilor Brooks asked if the applicant has a purchase and sale agreement with WMECO since the land is landlocked. Mr. Kaiser replied no.

Councilor Krampits read the following e-mail from Edgar Alejandro Manager
Economic & Community Development
WESTERN MASSACHUSETTS ELECTRIC COMPANY:

"This is what I received from our Real Estate Dept.

Mr. Yves Demers has wanted to purchase a 50-foot wide strip of land from WMECO off End Street in Chicopee to access landlocked land he acquired at auction. I have processed a TD401 at his request and the result was that we could make this small area of WMECO's land available for sale to him. At this point I am ready to get an update on the appraisal....no PSA has been signed. The City of Chicopee is very much aware of Mr. Demers' intent to purchase a portion of this land for access to his future residential development.

In the meantime and prior to Mr. Demers' request, WMECO has had problems with kids on ATVs creating a mess on our land, someone or several individuals have stolen copper from our lines, a contractor for our abutter, Mr. Abdoo, has cut trees on our property, and someone(?) has also cut off some of our poles. Peter Clarke, President of WMECO has talked to the City of Chicopee and he would like to see them buy the property since they (Chicopee Electric Light Department) have lines on our property and I believe are about to purchase another set of lines. So, we have several things going on here.

In addition late last week I received a letter and petition from abutters

to this WMECO land asking that WMECO not sell an access road to Yves Demers for his development.

Call me if you have any more questions.

*Edgar Alejandro, Manager
Economic & Community Development
WESTERN MASSACHUSETTS ELECTRIC COMPANY"*

Councilor Brooks asked Kate Brown about the soils in this area. Kate replied that there are many brooks, streams, and terrace escarpment soils in this area. Councilor Brooks stated that this proposal does not fit into this neighborhood.

Councilor Swider stated that if this zone change is granted the neighborhood leading to the condos will become a drag way. A few years ago the city spent a large sum of money to repair a sink hole in this area. Residents walk on the street because there are no sidewalks. It is very neighbor friendly. If a development is placed in this area it will alter the existing single family neighborhood.

PUBLIC INPUT

Stefanie Lepsch, 101 Clairmont Ave, presented the committee with a petition against the zone change request.

Petition received into the record.

Michelle Caravan, 70 Clairmont Ave, stated that this neighborhood can't handle the additional traffic that this proposal would generate.

Linda Czerwiecki, 87 Sunflower Ave, stated that this proposal would increase traffic. The neighborhood is family oriented.

Ron Laplante, stated that as kids he played on this proposed site and numerous times canons were found. He stated that this site could possibly be historical.

Karen Hobert, 165 Edgewood Avenue, stated that approximately 15 years ago the applicant tried to get a zone change and was denied. She questioned why he is back requesting a zone change.

- Kate Brown stated that this property was zoned Res B in 1946.

Dave Buteau, 52 Sunflower Avenue, stated that cars exiting Edgewood Avenue until Granby Road have a blind spot. He is certain that motorists will use Sunflower Avenue as a means of exiting onto Granby Road.

Melvin Brown, 56 Roy Street, questioned how the petitioner can request a zone change without access to the property.

Jeffrey Laing, 168 Edgewood Avenue, stated that his house is located 100 yards from the sink hole that occurred a few years back. He stated that the applicant is not presenting anything new with this petition.

Bonnie Wilder, 132 Clairmont Avenue, stated that this project would generate additional traffic in a single family neighborhood.

Councilor Croteau asked those abutters present who was opposed to this zone change request. All abutters present raised their hands.

Erik Kaiser stated that condos would be better for this neighborhood.

Councilor Brooks stated that the plans do not take into account wetlands issues.

Councilor Swider stated that the matter is not politics when public safety is concerned.

Motion made by Councilor Brunetti to deny.

Committee vote 7 to deny.

REASONS FOR DENIAL

- Neighborhood opposition
- Traffic concerns - added cars, traffic
- No sidewalks in the neighborhood - forcing people to walk on street
- Entire area is single family and Res A
- Planning Board opposition
- Res C allows for many options - would open area for many options
- Proposal is nebulous

ITEM #3

Minutes - July 28, 2009. Motion made to accept. Motion passed.

Discussion item - Home Occupation Ordinance.

Kate Brown is drafting a new Home Occupation ordinance and wanted to know whether the Council wants to keep it under Zoning or move it to License. The majority of the committee would like to keep it in Zoning.

Meeting adjourned at 7:35 PM.